

REMARKS/ARGUMENTS

Claims 12-30 are pending. Claims 12-20, 22, and 27-29 are amended. The amendments to claims 12, 22 and 28 further specifies the particle size. Support for these amendments can be found, for example, at page 9, lines 4-20. The other amendments are stylistic in nature.

Claims 28 and 30 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. The office action states that the process claim should “involve step on making a composition such as mixing or the like.” (Office Action at page 2). Applicants note that claim 28 recites the step of “combining.” This is believed to satisfy the office’s requirement. The office action further states that “claims should refer to making one type of composition.” (*Id.*). Applicants disagree with this assessment and ask that some authority be cited in support of the Office’s requirement.

Further in regard to claim 30, the Office Action appears to allege that surface coating is an article not a composition. Applicants believe that surface coating may properly be characterized as a composition and its inclusion in the preamble of claim 30 is appropriate.

Claims 12-20 stand rejected as allegedly anticipated by U.S. Patent No. 6,229,970 (the Richards patent). Applicants traverse this rejection. The rejection is apparently based on the assumption that the gypsum of the present invention is produced by the same process of that in the Richards patent. However, as taught at page 8, line 27 to page 9, line 3 of the instant application, WDP gypsum particles of differing dimensions are formed by different waste-gas desulfurization processes. It would not be obvious to one skilled in the art to select the instant particle size from the many possibilities. The instant invention shows, for example, an advantage of decreased shrinkage. See Example 2 on pages 15-16 of the instant application. No such guidance is found in the Richards patent. Furthermore, the Richards patent is directed to compounds with at least 7% pulped paper fibers (Col. 6, lines 18-21 of the Richards patent). The instant invention has no such requirement. Thus, significant differences exist between the instantly claimed inventions and the disclosure of the Richards patent. Because there is no guidance or suggestion in the Richards patent to modify its disclosed composition to arrive at any claimed invention, Applicants respectfully request reconsideration and withdrawal of the rejection.

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PATENT

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable reconsideration of the rejections and an allowance of all of pending claims is earnestly solicited.

Respectfully submitted,

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